

## REMARKS

The present amendment and remarks are in response to the Final Office Action entered in the above-identified case and mailed on December 17, 2003. Claims 1-32 are pending in the application. Claims 1-7, 9-14, 16-21 and 23-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gushima et al. U.S. Patent No. 5,737,481. Claims 8, 15, 22 and 29-32 stand rejected under 35 U.S.C. §103 as being unpatentable over Gushima et al. In view of Sasakura, U.S. Patent No. 5,940,241. With this Response Applicant has amended the claims to more clearly distinguish the invention over the art of record.

The claims now call for, among other things, that the second data or second data set are a continuous subset of data within said first data set. For example, if the data being recorded is video data the first data set is a sequence of video frames. In such case, the second data set is a continuous sequence of video frames representing a portion of the video sequence recorded as the first data set.

This differs significantly from the teaching of Gushima et al. in Gushima when a buffer overflow condition is detected even memory blocks are overwritten where as the data is ODD data blocks are preserved. Thus, while the quality of the data recorded in the buffer is degraded, at least a portion is preserved until the overflow condition is removed. Thus, in the case of video, for example, entire frames are not lost, but rather the picture quality within each frame is degraded.

Because of these differences between the claims and Gushima et al. The claims are not unpatentable due to the teaching of Gushima et al. either alone or in combination with Sasakura.

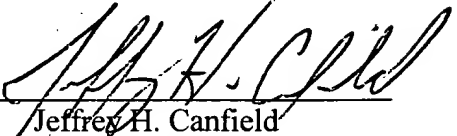
For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is encouraged to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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BY



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Dated: May 17, 2004